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Docket No.: 06733/0200031-US0

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ing-Chun Chen

Serial No.: 10/658,026

Filed: September 9, 2003

For: BOOMERANG FOR SPORT

October 16, 2003

## **INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

- 1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed: (Check one of the boxes A-D)
  - [X]A. Within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
  - [] B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
  - [] C. after (A) and (B) above, but before the mailing date of a final rejection, a notice of allowance, or any other action that closes prosecution, and Applicants have made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- [] i. Counsel states that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- [] ii. A check for the fee set forth in 1. 17(p), presently believed to be \$180, is enclosed.
- [] D. after (A), (B) and (C) above, but before payment of the issue fee: Counsel states that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
  - [] i. A check for the fee set forth in 1.17 (p), presently believed to be \$180, is enclosed.
- 2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO/SB/08) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate.)

		Document(s) is (are) deemed substantially cumulative to document(s), and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:
		10/365,125, filed February 12, 2003.
Applicant Ide	entifies	these documents by attaching hereto copies of the forms PTO-
892 and PT0	D/SB/O	8 from the files of the prior application(s) or a fresh PTO/SB/08
listing these	docum	nents, and request that they be considered and made of record in
accordance v	with 1.	.98(d). Per 37 CFR 1.98(d), copies of these documents need not
be filed in thi	is appl	ication.
[] 3. [	ocum	ent(s) are not in the English language. In
accordance v	with 1.	98(c), Applicant states:
	[]	An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application is enclosed.
	[]	A concise explanation of the relevance of document(s) is found in the attached search report (see MPEP § 609 A(3)x).
	[]	A concise explanation of the relevance of document(s) is set forth as follows: [Insert concise explanation of relevance]
	[]	A concise explanation of the relevance of document(s) can be found on page(s) of the specification.
	[]	A concise explanation of document(s) can be found or the attached sheet.
[] 4. N	Ло ехр	lanation of relevance is necessary for documents in the English
language (se	e MPE	P § 609 A(3)).
[] 5.	Other	information being provided for the examiner's consideration
follows:	[A/An	Search Report, dated, which
		prosecution ofApplication No which
corresponds	to the	present application.]

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless other-wise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

## CROSS REFERENCE UNDER 37 C.F.R. §1.78 TO RELATED APPLICATIONS

Pursuant to 37 C.F.R. § 1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

(1) U.S. Patent Application Serial No \_\_\_\_\_, filed \_\_\_\_\_.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,

Robert Schaffer

Registration No. 31,194

Attorney for Applicant(s)

DARBY & DARBY P.C. 805 Third Avenue New York, N.Y. 10022 (212) 527-7700

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Substitution 1449A/B/PTO				C mplete if Kn wn		
				Application Number	10/658,026	
INFORMATION DISCLOSURE				Filing Date	September 9, 2003	
STATEMENT BY APPLICANT			APPLICANT	First Named Inventor	Ing-Chun Chen	
				Art Unit	N/A	
	(Use as many sheets as necessary)			Examiner Name	Not Yet Assigned	
Sheet	1	of	1	Attorney Docket Number	06733/0200031-US0	

	U.S. PATENT DOCUMENTS				
Examiner	Cito	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where
Examiner Cite Initials* No.1	Number-Kind Code <sup>2</sup> ( if known)	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear	
	AA**	US-6,179,738-B1	01/2001	Peter M. Perthou	
	AB**	US-389,878-S	01/1998	Joseph C. Tylor	
	AC**	US-5,615,892-B1	04/1997	William L. Miller	
	AD**	US-3,881,729-B1	05/1975	Block et al.	
	AE**	US-4,199,717-B1	04/1993	Harold C. Wimmer	
	AF**	US-20030083160-A1	05/2003	Ben-Hador	
	AG**	US-20010024923-A1	09/2001	Streit	

FOREIGN PATENT DOCUMENTS						
Examiner	Cite	Foreign Patent Document	Publication	Name of Patentee or	Pages, Columns, Lines,	
Initials*	No.1	Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Date MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	
	BA**	WO-98/26844-A1				
	BB**	JP-112382-A1	05/1996			
	BC**	JP-159604-A1	06/2002			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \*\*CITE NO.: Those patent(s) or publication(s) which are marked with an double asterisk (\*\*) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner	Date
Signature	Considered

<sup>&</sup>lt;sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Attorney Docket No.: 6733/0200031

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Information Disclosure Statement Form PTO/SB/08 - citing documents previously submitted in related application